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7 COUNTY OF CONTRA COSTA  
and CITY OF SAN RAMON  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 ABHINAV BHATNAGAR,  
13 Plaintiff  
14

15 v.

16 JASON INGRASSIA, COUNTY OF  
CONTRA COSTA, and CITY OF SAN  
17 RAMON,  
18 Defendants.

Case No. CV07-02669 CRB

DECLARATION OF TED ANDERSON

19  
20 I, Ted Anderson, declare:  
21

- 22 1. I make this declaration on the basis of my own personal knowledge and, if called to  
23 testify, I would be competent to state the facts set forth below. The facts stated below,  
24 although true and correct, are not intended to be a complete summary of my  
25 investigation into complaints by Abhinav Bhatnagar against Jason Ingrassia.  
26  
27 2. I am a Sergeant in the Contra Costa Sheriff's Department. I have been a peace officer  
28 employed by the Contra Costa Sheriff's Department since 1986. From January of 2007

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1 to September of 2007, I was assigned to the Internal Affairs Division.

2  
3 3. In January of 2007, I was requested to initiate an investigation into complaints by  
4 Abhinav Bhatnagar against Officer Jason Ingrassia, a deputy sheriff assigned to provide  
5 police services to the City of San Ramon.

6  
7 4. As part of that investigation, I pulled copies of the first page of all arrest reports filed by  
8 Officer Ingrassia for driving under the influence from May 21, 2006 to January 1, 2007.  
9 A true and correct copy of all such first pages of the DUI arrest reports are attached  
10 and marked as exhibit I-1. These reports showed the race of the arrestee and location.  
11 I have since reviewed the first pages of the DUI arrest reports from August of 2005 to  
12 May 20 of 2006.

13  
14 5. During my investigation of Mr. Bhatnagar's claim of racial profiling, I investigated all  
15 of Officer Ingrassia's DUI arrests from May 21, 2006 through January 1, 2007. In that  
16 period of time, Officer Ingrassia arrested a total of 13 persons for DUI. Of those 12  
17 persons other than Mr. Bhatnagar for DUI, 7 were Caucasians, 1 African American, 3  
18 Hispanics and 2 other racial groups. . Thus, more Caucasians were arrested than any  
19 other racial groups combined. (See I-1, CC543-557.)

20  
21 6. In evaluating Officer Ingrassia for equality of enforcement, I also looked at Officer  
22 Ingrassia's arrests for DUI, in the period leading up to Mr. Bhatnagar's arrest on May  
23 20, 2006. In the period from August 2005 to May 20, 2006, Officer Ingrassia's arrest  
24 records for DUI included the following arrests. He arrested 9 persons for DUI. Of  
25 these, 5 were Caucasian, none were African American, 2 were Hispanic, and 2 were  
26 members of other racial groups. In the period before Mr. Bhatnagar's arrest, Officer  
27 Ingrassia's arrests for DUI were predominantly Caucasian. More Caucasians were  
28 arrested for DUI than all other groups combined. (See Exhibit I-2, pp. CC 558-566)

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- 1
- 2 7. The locations of the arrests cover various geographical areas with no particular
- 3 limitation to a particular location. In exhibit I-1 there are only two locations near the
- 4 location where Bhatnagar was arrested and these were 5 to 6 months after his arrest. In
- 5 group I-2 from before Mr. Bhatnagar's arrest for DUI, there had been no arrests by
- 6 Ingrassia for DUI near Bollinger and Market Place.
- 7
- 8 8. As part of that investigation, I was provided a copy of the cell phone bill from Abhinav
- 9 Bhatnagar covering the night of May 19-20, 2006. A true and correct copy of the bill
- 10 that I received is attached as exhibit J. Exhibit J shows the calls to and from Mr.
- 11 Bhatnagar's cell phone# 510 449-4543 from May 19, 2006 (7:08 p.m.) to May 20, 2006
- 12 (11:19 p.m.).
- 13
- 14 9. I also received copies of two written statements pertaining to the events of the night of
- 15 May 19-20, 2006. One statement was from Mr. Marcus Compagna. The statement
- 16 from Marcus Compagna is attached and marked as exhibit M. The second statement
- 17 was from Laurie Garrison. The statement from Laurie Garrison is attached and marked
- 18 as Exhibit N.
- 19
- 20 10. On January 25, 2007, I called Marcus Compagna. Compagna stated that a couple of
- 21 months after the arrest, Abhi brought a statement over around midnight. He stated that
- 22 Mr. Bhatnagar had prepared the statement for his signature and that he, Compagna, had
- 23 not read it before he signed it. Compagna told me, "To tell you the truth, I didn't see or
- 24 hear of any person in law, especially the police officer, treating him bad. I didn't see
- 25 one thing. I didn't hear anything that would be disgruntled or anything. I heard words
- 26 between then. But I didn't hear anything. I asked him if he heard any racial comments
- 27 and he said, "No. Abhi was bringing up something the next day, but I didn't hear
- 28 anything." Marcus Compagna went on to say. "I didn't hear one thing or one word

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1 that would jeopardize that officer's job." Compagna stated that he had not kept a copy  
2 of the statement. I asked him if what was in the statement was true. Compagna stated,  
3 "This is the bad thing, I really didn't read it over prior to signing it."  
4

5 11. On January 31, 2007 at 9:45 a.m., I called Mr. Bhatnagar to ask him if he had received  
6 each declaration from Laurie and Marcus. He stated that Laurie and Marcus had each  
7 written their own statement. I pointed out that each declaration had the same final  
8 format and he stated that is what Mr. Toguchi had told him it had to be. I asked if he  
9 had helped Laurie or Marcus write their declarations and he stated that they had written  
10 them when he was not there.  
11

12 12. On January 25, 2007, I called Ms. Laurie Garrison on two occasions at the number at  
13 the bottom of her statement. On the first occasion, she refused to speak with me until I  
14 contacted the public defender Diane Garrido and requested that I call her back the next  
15 day. On January 26, I contacted Ms. Garrison again. She was reluctant to speak with  
16 me and did not want answer any of my questions via phone. She indicated that she  
17 would call me back on Tuesday, January 30, 2007. She refused to give me a reason  
18 why she didn't want to talk to me. I never heard from her again.  
19

20 13. Ms. Garrison's statement suggested that she had heard a comment, "We are leaving  
21 NOW, get going you terrorist." The statement goes on to state that Bhatnagar explained  
22 to Garrison that they were leaving for the Martinez jail. (See exhibit N) This  
23 statement which is alleged have occurred during a phone call between herself and Mr.  
24 Bhatnagar does not appear to fit the context of events.  
25

26 14. Mr. Bhatnagar had elected to have a blood test. The dispatch log indicates that Officer  
27 Ingrassia had radioed for a technician to draw Mr. Bhatnagar's blood to comply with  
28 Mr. Bhatnagar's election. Ingrassia's request at 01:39:46 was for the technician to

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1 respond to San Ramon Police Department. (See Exhibit B-1, CC94.)

2  
3 15. The phone call between Bhatnagar and Garrison was documented at 2:01 a.m. on Mr.  
4 Bhatnagar's phone bill. (See exhibit J.)

5  
6 16. Mr. Bhatnagar's blood was drawn at approximately 2:30 a.m. at the San Ramon Police  
7 Department according to the documentation of Jonathon Young which I had available  
8 to me at the time of the investigation. (See exhibit E-2.)

9  
10 17. Ingrassia and Bhatnagar did not leave for Martinez until 2:44:13 a.m. according to the  
11 dispatch log. (See Exhibit B-1, CC94) This was one of the matters that I wanted to  
12 clear up with Ms. Garrison when I phoned her. For Officer Ingrassia to have made the  
13 statement attributed to him by Ms. Garrison would be totally inconsistent with the  
14 events that were occurring at the time as shown by the other evidence.

15  
16 18. Mr. Bhatnagar's statement quoted in the Garrison declaration discusses that Officer  
17 Ingrassia's statement occurred when they were leaving for Martinez Jail is also untrue if  
18 the time of events of the blood draw, the dispatch transmissions and the phone call are  
19 correct. I have no reason to disbelieve the time of events in the cell phone bill provided  
20 by Mr. Bhatnagar, the dispatch log and the phlebotomist's records.

21  
22 19. Ms. Garrison testified before Hearing Officer Lee and indicated that she spoke to  
23 Abhinav Bhatnagar at approximately eleven p.m. and it sounded like he was getting  
24 arrested. (Pltf. Mtn., Ex. 4, 77:8-13) There was no evidence of such an incoming phone  
25 call on Bhatnagar's cell phone bill which would normally show incoming and outgoing  
26 calls. Secondly, there is clear evidence that the interaction between Bhatnagar and  
27 Ingrassia did not begin until 2 hours later.

28  

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1 20. I received an audio recording from the hearing at the DMV before Hearing Officer Lee  
2 provided by deputy public defendant Diane Garrido. Exhibit 4 to the plaintiff's motion  
3 to admit evidence of findings appears to be a transcript of the audio CD that I received  
4 from the Department of Motor Vehicles. I never received and was never provided with  
5 Hearing Officer Lee's findings or order from that proceeding. I was told by Mr.  
6 Bhatnagar and Ms. Jenny Huang that the "results of the Admin Per Se hearing" was to  
7 reinstate his license without restrictions. I assumed that this was the result of the  
8 Hearings before Mr. Lee.

9  
10 21. Ms. Huang and Mr. Bhatnagar never told me of Hearing Officer Lee's findings  
11 rendered as a result of the hearing at DMV in July and October of 2006. I recently  
12 learned that there were favorable findings by Hearing Officer Lee that the arrest was  
13 lawful, that Officer Ingrassia had reasonable cause, and that Bhatnagar and his  
14 witnesses were not credible. I actually saw this document for the first time on April 1,  
15 2008 while in the process of preparing this declaration.

16  
17 22. I was provided with the transcript of the hearing before Judge Treat of the Contra  
18 Costa Superior Court in the matter of *People v. Abhinav Bhatnagar* relating to Mr.  
19 Bhatnagar's motion to suppress hearing in his DUI criminal proceedings.

20  
21 23. I obtained the dispatch logs for Officer Ingrassia (B-1) and Officer Nathan Jones (B-2)  
22 relating to the interaction with Mr. Bhatnagar. I wanted unit histories on the dispatch  
23 log to determine where they had been in the time prior to Mr. Bhatnagar's arrest. The  
24 third document B-3 was the call history relative to the Bhatnagar arrest. Exhibits B-1,  
25 B-2 and B-3 are true and correct copies of what I ran.

26  
27 a. Based on the dispatch logs, I was able to determine that prior to the interaction  
28 with Mr. Bhatnagar, Officer Ingrassia was not sitting in the gas station watching

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1 for occupants of the El Balazo to come out so that he could arrest them for drunk  
2 driving as concluded by Judge Treat.

3  
4 b. I was able to determine based on the dispatch logs that shortly after midnight,  
5 (12:04 a.m.) Officer Ingrassia advised dispatch that he had made a traffic stop of  
6 an individual by the name of David Mock at Montevideo and Davonna several  
7 blocks southwest of Bollinger Canyon Road and Market Place where the Valero  
8 Station was located. Officer Ingrassia communicated to dispatch that he had  
9 cleared that scene at 12:44:48 according to the log. (See Exhibit C-1, CC 93)

10  
11 c. At 12:45:09 a.m., shortly after clearing the scene at Montevideo and Davonna,  
12 Officer Ingrassia went to backup a fellow officer at 2114 Crestfield Dr., San  
13 Ramon. He punched his console computer to indicate that he was on scene at  
14 12:50:28 as recorded in the dispatch log. Officer Ingrassia reported back in  
15 service at 12:58:52. (See exhibit, C-1, CC 93)

16  
17 d. At 1:03:43 a.m., five minutes prior to his contact with Mr. Bhatnagar, Officer  
18 Ingrassia had advised dispatch that he performing a security check at Central  
19 Park. Central Park is on the north side of Bollinger Canyon Road, a large  
20 boulevard with two lanes of traffic in each direction. A large library building  
21 blocks any view from Central Park toward the El Balazo restaurant which is  
22 located on Montgomery Street. For the location of Central Park, the Valero  
23 Station and the El Balazo see the aerial photograph in Exhibit G-1.

24  
25 e. The transcript of Judge Treats hearing in *People v. Bhatnagar* does not indicate  
26 that the judge had any of this information presented to him. I came to a different  
27 conclusion than Judge Treat. I concluded that as Officer Ingrassia was returning  
28 to patrol after checking out Central Park he saw Mr. Bhatnagar make his illegal

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1 u-turn at Bishop Ranch Road and followed Mr. Bhatnagar into the gas station.

2  
3 f. I also concluded that during the stop, Mr. Bhatnagar admitted to both drinking  
4 and driving and agreed to take a Field Sobriety Test, that he tried to explain his  
5 red and watery eyes by contact lens difficulties and the alcohol on his breath by  
6 having taken cough medicine. Based on the results of the field sobriety test, Mr.  
7 Bhatnagar was requested to blow into a preliminary alcohol screening device.  
8 This device showed a result over the legal limit. Based on this information, I  
9 believed that Officer Ingrassia had probable cause to arrest Mr. Bhatnagar for  
10 suspicion of driving under the influence.

11  
12 g. I pulled the arrest report and supplementary report relating to the arrest of Mr.  
13 Bhatnagar. Exhibit C is a true and correct copy of that report and  
14 supplementary report contained in the Department records.

15  
16 h. I reviewed the findings of the blood alcohol test done on Mr. Bhatnagar's blood  
17 drawn at the San Ramon Police Station at 2:30 a.m. These findings provided  
18 further evidence that Mr. Bhatnagar had not been forthright about the amount of  
19 alcohol he had consumed.

20  
21 The above statements are true and correct. Executed under penalty of perjury on April  
22 2, 2008 in Martinez, CA.

23  
24 

25 Ted Anderson  
26  
27  
28

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